

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MASSACHUSETTS EYE & EAR INFIRMARY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:05-cv-11229-NMG
)	
EUGENE B. CASEY FOUNDATION and)	
THOMAS F. REILLY, as he is the Attorney General)	
of The Commonwealth of Massachusetts,)	
)	
Defendants.)	

STIPULATION OF DISMISSAL

Massachusetts Eye and Ear Infirmary, the Eugene B. Casey Foundation, and Thomas F. Reilly, as he is the Attorney General of The Commonwealth of Massachusetts, by and through their attorneys, hereby file this Stipulation of Dismissal of the above-captioned lawsuit. All claims filed in this lawsuit have been resolved and settled and Thomas F. Reilly, as he is the Attorney General of The Commonwealth of Massachusetts, has seen and assented to the Settlement Agreement. The Complaint filed by Massachusetts Eye and Ear Infirmary, and Counterclaims filed by the Eugene B. Casey Foundation, are hereby dismissed with prejudice. The parties will bear their own attorneys' fees and costs.

Respectfully submitted,

By: /s/ Ellen E. Oberwetter
Barbara Hamelburg, Esq.
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, Massachusetts 02210-2600
Ellen E. Oberwetter, Esq.
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005
(202) 434-5000
Attorneys for the Eugene B. Casey Foundation

By: /s/ John C. Kane, Jr.
John C. Kane, Jr., Esq.
ROPES & GRAY LLP
One International Place
Boston, Massachusetts 02110-2624
*Attorney for the Massachusetts Eye & Ear
Infirmary*

By: /s/ Johanna Soris
Johanna Soris, Esq.
Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL
One Ashburton Place
Boston, MA 02108
(617) 727-2200

*Attorney for Thomas F. Reilly, as he is
Attorney General of the Commonwealth of
Massachusetts*

April 27, 2006